

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-455 (RGA)
	)	
TAKE-TWO INTERACTIVE SOFTWARE,	)	
INC., ROCKSTAR GAMES, INC. and	)	
2K SPORTS, INC.,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS**

Pursuant to 35 U.S.C. § 285, 28 U.S.C. § 1927, and the Court's inherent power, Defendants Take-Two Interactive Software, Inc., Rockstar Games, Inc. and 2K Sports, Inc. (collectively "Defendants") hereby move the Court to declare this case exceptional and order that Acceleration Bay and its principal(s) and national counsel pay Defendants' full attorneys' fees and costs incurred in defending this litigation, totaling about \$9 million dollars. The grounds for this motion are set forth in Defendants' opening brief submitted herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Jack B. Blumenfeld*

OF COUNSEL:

David P. Enzminger  
Michael A. Tomasulo  
Gino Cheng  
David K. Lin  
Joe S. Netikosol  
WINSTON & STRAWN LLP  
333 South Grand Avenue, 38th Floor  
Los Angeles, CA 90071  
(213) 615-1700

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Jack B. Blumenfeld (#1014)  
Cameron P. Clark (#6647)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisnichols.com  
cclark@morrisnichols.com

*Attorneys for Defendants*

Louis L. Campbell  
WINSTON & STRAWN LLP  
255 Shoreline Drive, Suite 520  
Redwood City, CA 94065  
(650) 858-6500

Dan K. Webb  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601  
(312) 558-5600

Joseph C. Masullo  
WINSTON & STRAWN LLP  
1700 K Street, N.W.  
Washington, DC 20006  
(202) 282-5000

February 7, 2022

**7.1.1 CERTIFICATION**

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the Plaintiff and that we have not been able to reach agreement.

*/s/ Jack B. Blumenfeld*

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2K SPORTS, INC.,	)	
	)	
Defendants.	)	

**[PROPOSED] ORDER**

Having considered Defendants' Motion for Attorneys' Fees and Costs and Plaintiff's opposition thereto;

IT IS HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2022, that Defendants' Motion is GRANTED. The Court finds this case exceptional and that Defendants are the prevailing parties in this litigation. The Court further orders Acceleration Bay and its principal(s) and national counsel pay Defendants' full attorneys' fees and costs incurred in defending this litigation. Defendants shall file an accounting of attorneys' fees and costs no later than twenty-one (21) days after the entry of this Order.

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United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on February 7, 2022, upon the following in the manner indicated:

Philip A. Rovner, Esquire  
Jonathan A. Choa, Esquire  
POTTER ANDERSON & CORROON LLP  
1313 North Market Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

Paul J. Andre, Esquire  
Lisa Kobialka, Esquire  
James R. Hannah, Esquire  
Hannah Lee, Esquire  
Yuridia Caire, Esquire  
Greg Proctor, Esquire  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
990 Marsh Road  
Menlo Park, CA 94025  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

Aaron M. Frankel, Esquire  
Marcus A. Colucci, Esquire  
Cristina Martinez, Esquire  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
1177 Avenue of the Americas  
New York, NY 10036  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

*/s/ Jack B. Blumenfeld*

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Jack B. Blumenfeld (#1014)